

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Amendment of Sections 90.20 and 90.175 of the)	WT Docket No. 02-285
Commission's Rules for Frequency Coordination)	RM-10077
of Public Safety Frequencies in the Private Land)	
Mobile Radio Below-470 MHz Band)	

To: The Commission

COMMENTS OF PCIA, THE WIRELESS INFRASTRUCTURE ASSOCIATION

PCIA, the Wireless Infrastructure Association ("PCIA"), by its attorneys and pursuant to Section 1.415 of the Commission's Rules,¹ hereby files its comments in response to the Notice of Proposed Rulemaking ("NPRM"), FCC 02-255, released September 19, 2002, in the captioned docket. The Commission issued the NPRM after consideration of a Petition for Rulemaking ("Petition") filed on February 21, 2001 by the Association of Public-Safety Communications Officials-International, Inc. ("APCO").

I. PCIA

Founded in 1949 in the spirit of creating new industries, PCIA has a distinguished history of helping build the industries that comprise the wireless telecommunications sector. From its beginnings in land mobile radio to paging and messaging, and from personal communications services ("PCS") to tower and antenna siting, PCIA has been instrumental in facilitating the emergence and growth of core wireless services.

¹ All references to the Commission's Rules are cited at 47 C.F.R. §§ 0.1 *et seq.*

Since the inception of frequency coordination committees in 1986, PCIA has processed hundreds of thousands of applications for licenses and coordinated more of the nation's spectrum than virtually any other coordinating committee. PCIA was the original coordinator for the Business Radio Service and is currently one of several coordinators in the Industrial/Business ("IB") pool. Along with the International Association of Fire Chiefs and International Municipal Signal Association ("IAFC/IMSA"), PCIA jointly coordinates the spectrum for the frequencies that were formerly part of the Special Emergency Radio Service ("SERS").

II. Background

In its Petition, APCO proposed that each of the frequencies currently coordinated exclusively by either APCO, IAFC/IMSA, the American Association of State Highway Transportation Officials ("AASHTO"), or the Forestry Conservation Communications Association ("FCCA") (all four coordinators collectively known as the "Governmental Public Safety Coordinators") pursuant to Section 90.20 of the Commission's Rules be available for coordination by any of the four Governmental Public Safety Coordinators. APCO explained that by opening up the coordination of these public safety frequencies to the benefits of competition, coordination of the public safety frequencies below 470 MHz will become more effective and less costly. The Commission has already permitted competitive coordination for public safety frequencies above 470 MHz as well as for those frequencies below 470 MHz that were formerly in the Local Government Radio Service. APCO did not include as part of its proposal the coordination of frequencies that were formerly in the SERS and are jointly coordinated by PCIA and IAFC/IMSA.

After receiving comments and replies, the Commission granted the APCO Petition requesting a rulemaking and issued the NPRM seeking comments. In addition to the concepts

advocated by APCO, the Commission sought comment on whether APCO, AASHTO, and FCCA are qualified to coordinate SERS frequencies. NPRM at para. 17.

III. Discussion

As a general matter, PCIA supports competition among frequency coordinators. It has been several years since the Commission has combined the non-public safety frequencies into the IB pool and has permitted all organizations that had previously coordinated any of the IB frequencies to compete with each other to coordinate all frequencies within the IB pool. The system has worked well, and users have received efficient frequency coordination services at competitive prices. As a result, PCIA is highly experienced at frequency coordination within a competitive environment.

The APCO Petition suggests that the four Governmental Public Safety Coordinators ought to compete with each other in providing frequency coordination for all public safety users except for frequencies that were formerly part of the SERS pool. The Commission seeks comment on the additional question of whether APCO, AASHTO and FCCA are qualified to coordinate SERS frequencies. However, the Commission's question is one-sided. The Commission is asking whether APCO, AASHTO and FCCA should be able to compete with PCIA to coordinate the SERS frequencies, but does not ask whether PCIA should be able to compete with the four Governmental Public Safety Coordinators in coordinating the other public safety frequencies. As discussed below, it is unfair to permit the four Governmental Public Safety Coordinators to compete against PCIA unless PCIA is permitted to compete against the four Governmental Public Safety Coordinators.

We therefore start our analysis with the question of whether PCIA is qualified to coordinate the Local Government Radio Service frequencies as well as the frequencies that until

now have been coordinated exclusively by any of the four Governmental Public Safety Coordinators. PCIA's historic role in the coordination of public safety frequencies has been to coordinate SERS frequencies for non-governmental users that have legitimate need for public safety frequencies. PCIA's constituents include, but are not necessarily limited to, medical services (including medical facilities, ambulatory transportation companies, and related services), veterinarians, persons with disabilities, school buses, beach patrols, communications standby facilities, and emergency repair services for public communication facilities. PCIA gives the highest priority to all entities with a public safety mission. Thus, PCIA's experience in coordinating frequencies used for public safety and emergency purposes is long-standing and well established.

Traditionally, the non-governmental public safety entities mentioned above used the SERS frequencies. *See* Section 90.20(a)(2) of the Commission's rules. However, Section 90.20(a)(2) now permits such entities to use Public Safety Pool frequencies that were traditionally reserved for governmental entities, provided that they obtain the concurrence from an eligible governmental entity. *See* NPRM at note 50. Even though PCIA's historical constituency is now permitted to use these frequencies, PCIA has been prevented from coordinating these additional frequencies for its own constituents, because until now, the Commission has permitted exclusive frequency coordination by the original Governmental Public Safety Coordinators of the frequencies.

If the Commission is to permit competition in the coordination of public safety frequencies previously reserved for governmental entities, it should permit all coordinators with constituents eligible to use the frequencies to coordinate on behalf of their constituents as well as on behalf of any other eligible entity that wishes to use the services of the coordinator. This

includes not only the frequencies that until now have had exclusive coordinators, but also should include the frequencies where the four Governmental Public Safety Coordinators have competed. If full competition is permitted for coordination of all these Public Safety Pool frequencies, then it would also make sense to permit competition for the coordination of the SERS frequencies.

The situation is far different now than it was over five years ago in 1997 when the Commission looked at this issue in the *Refarming* docket.² At that time, PCIA's constituents were using the SERS frequencies and generally were not using the other public safety frequencies. Today, as a result of the provision in Section 90.20(a)(2) permitting a non-governmental public safety entity to use non-SERS Public Safety Pool frequencies with the concurrence of an eligible governmental entity, many of PCIA's constituents are using all categories of the non-SERS Public Safety Pool frequencies. Just as each governmental public safety entity ought to be able to select its coordinator to take care of all spectrum needs within the Public Safety Pool, it makes equal sense for a non-governmental entity to be able to select its coordinator to take care of all of its spectrum needs within the Public Safety Pool. Since many of these non-governmental public safety entities are used to working with PCIA (and even governmental entities have come to PCIA for coordinating SERS and IB frequencies), it stands to reason that PCIA ought to be able to compete and participate in the coordination of all Public Safety Pool frequencies for any public safety eligible, both governmental and non-governmental that requests its services.

As the coordinator of the SERS frequencies, PCIA is sensitive to public safety needs and the absolute necessity of making sure that public safety users are able to establish interference-free communications during times of emergency. Similarly, when coordinating IB frequencies

on a waiver basis for governmental public safety entities, PCIA has taken into consideration the special needs of public safety. As the trade association for the wireless infrastructure industry, and in support of the public safety community's need for rapid deployment of E-911 Phase II, PCIA filed comments on the Hatfield Report on Technical and Operational Wireless E911 Issues, WT Docket No. 02-46, supporting expeditious tower construction and modifications that are needed to implement network-based location determination solutions.

Just as the four Governmental Public Safety Coordinators can familiarize themselves with and be sensitive to the needs of all public safety users groups regional, state and local plans and identify which public safety plans apply to Public Safety Pool frequencies below 512 MHz,³ so can PCIA. PCIA would support having an automated, common database of public safety plans.

For the IB frequency pool, the competing coordinators have established procedures whereby the coordination information is automatically exchanged between coordinators on a nightly basis. As the largest coordinator of IB frequencies, PCIA is highly experienced in the process of exchanging coordination information, and proposes that a similar procedure be established for the exchange of coordination information for the Public Safety Pool. PCIA can bring its vast experience to the table should the Commission adopt competitive frequency coordination for the Public Safety Pool.

IV. Conclusion

PCIA supports competition in the coordination of frequency use in the Public Safety Pool. As the coordinator of SERS frequencies, PCIA is experienced in the coordination of

² *Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them*, Second Report and Order, 12 FCC Rcd. 14307 (1997).

³ NPRM at para. 19.

public safety frequencies for medical services and other non-governmental public safety entities. Because PCIA's constituents may now use, and do in fact use, frequencies that historically were reserved for governmental public safety entities, PCIA has an interest in coordinating such spectrum for its constituents as well as other eligible entities and submits that there is a compelling case for allowing PCIA to be a competing coordinator of all frequencies in the Public Safety Pool below 512 MHz.

Respectfully submitted,

PCIA, the Wireless Infrastructure Association

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